

RECEIVED  
CENTRAL FAX CENTER

Docket No.: 10982211-2

NOV 4 - 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of: Hewlett E. Melton, Jr., et al. : Confirmation No.: 1439  
Serial No.: 10/698,999 : Art Unit: 2179  
Filed: 10/31/2003 : Examiner: Xiomara L. Bautista  
For: MEDICAL NAVIGATOR :  
AND SYSTEMS  
THEREFOR

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE  
TO NON FINAL OFFICE ACTION

Sir/Madam:

The following Amendment and Remarks are submitted under 37 C.F.R. §1.111 in response to the Non Final Office Action mailed July 13, 2006, following the amendment format set forth under 37 CFR §1.121. After this introductory section, there are Amendments to the Claims and then Remarks, each starting on a separate page.

Amendments to the Claims consist of amendments for claims 1 and 12, and new claims 23 and 24, which are incorporated in a complete listing of the claims.

Reconsideration of the rejections is respectfully requested.

11/07/2006 AWONDAF1 00000046 500374 10698999

01 FC:1251 120.00 DA

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10982211-2

RECEIVED  
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 4 - 2006

Inventor(s): Hewlett E. Melton, Jr. et al.

Serial No.: 10/698,999

Examiner: Xiomara L. Bautista

Filing Date: October 31, 2003

Group Art Unit: 2179

Title: MEDICAL NAVIGATOR AND SYSTEMS THEREFOR

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☐ No additional fee (Address envelope to "Mail Stop Amendments")  
☐ Other: (Fee \$\_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	20	MINUS	20	= 0	X 50	\$ 0
INDEP. CLAIMS	2	MINUS	3	= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 <sup>ST</sup> MONTH 120.00 <input checked="" type="checkbox"/>	2 <sup>ND</sup> MONTH 450.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 1020.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1590.00 <input type="checkbox"/>	OTHER FEES	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 120

Charge \$ 120 to Deposit Account 50-0374. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Hewlett E. Melton, Jr. et al.

By

*Mikio Ishimaru*  
Mikio Ishimaru  
Attorney/Agent for Applicant(s)

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below:

Date of facsimile: Nov. 3, 2006

Typed Name: Vickie Ishimaru

Signature: *Vickie Ishimaru*

Reg. No. 27,449

Date: November 3, 2006

Telephone No. (408) 738-0592